

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

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	rec. AUG 01 2005
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PCT

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 71.1)

VEN	Date of mailing (day/month/year) 29.07.2005	
Applicant's or agent's file reference 2003P16960WO	IMPORTANT NOTIFICATION	
International application No. PCT/EP2003/012439	International filing date (day/month/year) 06.11.2003	Priority date (day/month/year) 06.11.2003
Applicant SIEMENS AKTIENGESELLSCHAFT et al.		

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1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed invention is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Davis, M Tel. +49 89 2399-2703
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PATENT COOPERATION TREATY
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INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2003P16960WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/012439	International filing date (day/month/year) 06.11.2003	Priority date (day/month/year) 06.11.2003
International Patent Classification (IPC) or both national classification and IPC H04M3/42		
Applicant SIEMENS AKTIENGESELLSCHAFT et al.		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheets.</p>
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the opinion II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application</p>

Date of submission of the demand 02.06.2005	Date of completion of this report 29.07.2005
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Gkeli, M Telephone No. +49 89 2399-7681



INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

International application No. PCT/EP2003/012439

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-12 as originally filed

Claims, Numbers

1-8 as originally filed

Drawings, Sheets

1/3-3/3 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- the language of publication of the international application (under Rule 48.3(b)).
- the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- contained in the international application in written form.
- filed together with the international application in computer readable form.
- furnished subsequently to this Authority in written form.
- furnished subsequently to this Authority in computer readable form.
- The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- the description, pages:
- the claims, Nos.:
- the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/EP2003/012439

5. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).
(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1 - 8
	No: Claims	
Inventive step (IS)	Yes: Claims	1 - 8
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1 - 8
	No: Claims	

2. Citations and explanations

see separate sheet

Concerning Section V

1. The application relates generally to retrieving and delivering Multimedia Messaging Services (MMS) messages using the Session Initiation Protocol (SIP). In particular, the independent claims are directed to a method for retrieving an MMS message (claim 1), to a method for delivering an MMS message (claim 5), to a terminal adapted to carry out the method of claim 1 (claim 4), and to an MMS server adapted to carry out the method of claim 5 (claim 8).
2. Multimedia Messaging Service (MMS) has been defined in standard 3GPP TS 23.140 "3rd Generation Partnership Project; Technical Specification Group Terminals; Multimedia Messaging Service (MMS); Functional description; stage 2 (3GPP TS 23.140 version 4.2.0 Release 4)". The transfer of MMS messages is performed using the Wireless Application Protocol (WAP) or Hypertext Transport Protocol (HTTP) by sending a WAP or HTTP GET request. However, this MMS implementation using WAP requires a WAP Gateway for enabling the needed interworking.

Similarly, the standard 3GPP TS 22.140 "3rd Generation Partnership Project; Technical Specification Group Terminals; Service Aspects; Stage 1; Multimedia Messaging Service (3GPP TS 22.140 version 5.2.0 Release 5)" defines the requirements which shall be supported for the provision of non real-time Multimedia Messaging Service (MMS). However, an MM delivery notification has to be in a manner compatible with the terminals capability.

3. The application proposes to solve the above problems by using the Session Initiation Protocol (SIP) as the single transport protocol for retrieving and delivering MMS messages. In this way, the terminals do not need to have other protocols than SIP supported by their protocol stack, thereby helping to reduce manufacturing cost of the terminals and facilitating the ability of direct MMS retrieval from within the IP Multimedia core network.

This solution is neither disclosed nor rendered obvious by any of the available prior art documents.

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/EP2003/012439

4. It is therefore considered that independent claims 1, 4, 5 and 8 meet the requirements of Articles 33(2), (3) and (4) PCT regarding novelty, inventive step and industrial applicability.

Claims 2, 3, 6 and 7 contain further details of the methods of the above mentioned independent claims, respectively. As they are dependent on these claims, they also meet the requirements of articles 33(2), (3) and (4) PCT regarding novelty, inventive step and industrial applicability.

Further Remarks

1. The independent claims are not drafted in the proper two-part "characterised" form recommended by Rule 6.3(b), (i), (ii) PCT, having a preamble that correctly reflects the nearest prior art.
2. In order to meet the requirements of Rule 5.1(a), (ii) PCT, the relevant prior art, i.e. the documents noted above and in the search report, should have been acknowledged by reference and briefly discussed in the introductory part of the description.
3. In page 7, line 17 of the description, the MMS subscription request M401 has the form of message 20a shown in Figure 3a, instead of "message 20b shown in Figure 3b", as it presently reads.